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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,317	05/16/2006	Kenji Sato	40432	1886
52054	7590	01/16/2008	EXAMINER	
PEARNE & GORDON LLP			DINH, TRINH VO	
1801 EAST 9TH STREET			ART UNIT	PAPER NUMBER
SUITE 1200			2821	
CLEVELAND, OH 44114-3108				
NOTIFICATION DATE		DELIVERY MODE		
01/16/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/579,317	SATO, KENJI	
	Examiner Trinh Vo Dinh	Art Unit 2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 January 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 July 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 05/16/06, 01/03/07.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawing***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, “ground of the circuit board” in claims 1-3, and “an antenna provided on the hinge part” in claim 3 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claims 1-3 are objected to because of the following informalities:

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In claim 1 line 11, --a-- should be inserted before "ground".

The same correction should be made to claims 2 and 3.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is unclear what "an antenna arranged on the upper/lower case to the hinge part" means. In addition, it is not clear what the term "two parts of both ends" means. Does the term refer to "both ends" of the conductor? In the case, "two part of" is superfluous and should be deleted. Furthermore, in claim 1, the limitation "the conductor is connected to a ground at one part on an opposite side to a feeding point of the antenna with respect to the width direction of the upper circuit board" renders the claims indefinite since it is unclear which side/location of the ground the conductor connected to.

The deficiencies are found in claims 2-3 which would require the same correction.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 4-6 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Park et al (US 7,280,856).

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Respecting claims 1-2, Park discloses a folding type mobile radio apparatus, in Figs. 1, 7, comprising an upper case (10) and a lower case (20) coupled for rotation via a hinge part (30 in Fig. 1, 35 in Fig. 18); and an antenna (40) arranged on the lower case (20 in Fig. 9) to the hinge part, wherein an elongated conductor (100) is provided on a lower end part side of an upper circuit board (23 in Fig. 16-23) provided in the upper case (20) facing the hinge part (30); and wherein the conductor is connected to a ground (4000) of the upper circuit board at one part on an opposite side to a feeding point of the antenna with respect to the width direction of the upper circuit board (23, in Figs. 19-20, col. 6 lines 14-24).

Respecting claims 4-6 and 8, Park discloses the conductor (100) being integrated with the ground of the circuit board to which the conductor is connected, and serves as a part of the ground of the circuit board (col. 6, lines 47, or col. 8 lines 3 and 31. Further, Park discloses the conductor being formed of a conductive material having a substantially U or L shape (Figs 11-12).

5. Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Morningstart et al (US 2005/0001773)

Morningstart discloses a folding type mobile radio apparatus, in Fig. 1, comprising an upper case (110) and a lower case (105) coupled for rotation via a hinge part (120 in Fig. 9); and an antenna (135) arranged on the lower case (105) to the hinge part, wherein an elongated conductor (1530, 1535 in Fig. 15) is provided on a lower end part side of an upper circuit board (1510, paragraph [0047]) provided in the upper case (1515) facing the hinge part (1525), and wherein the conductor (1530) is connected to a ground (1510) of the upper circuit board (1515) at one part on an opposite side to a feeding point of the antenna (315) with respect to the width direction of the upper circuit board ( 1510 in Fig. 15).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park.

Park discloses every feature of the claimed inventions as discussed in claims 1-2 above. However, Parks fairly suggests the antenna being provided on the hinge part. However, it would have been obvious to one having ordinary skill in the art to locate the antenna in the hinge part since it has been held that rearranging parts of an invention involved only routine skill in the art

and such modification is merely common in the art as evident in US 2003/0234743 and US 2006/0071863 as well.

Respecting claims 7 and 9, Park discloses claimed subjected matters as discussed in claims 4-6 and 8 above.

*Inquiry*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh Vo Dinh whose telephone number is (571) 272-1821. The examiner can normally be reached on Monday to Friday from 9:30AM to 6:00PM. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Owens, can be reached on (571) 272-1662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Art unit 2821*

*January 06, 2008*



TRINH DINH  
PRIMARY EXAMINER